

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JUSTIN COLEMAN,
Plaintiff,

v.

AMERIHEALTH CARITAS,
Defendant.

CIVIL ACTION

NO. 16-3652

ORDER

AND NOW, this 2nd day of June, 2017, upon Defendant's Amerihealth Caritas, Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6); and/or Motion to Dismiss Count IV of Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) (Doc. No. 16, filed Apr. 10, 2017) and Memorandum of Law in Opposition to Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and/or Motion to Dismiss Count IV of Plaintiff's Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) (Doc. No. 19, filed May 15, 2017), for the reasons set forth in the accompanying Memorandum dated June 2, 2017, **IT IS ORDERED** that defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendant's Motion seeking dismissal of plaintiff's claims for retaliation under the Family and Medical Leave Act, discrimination under the Americans with Disabilities Act ("ADA") and the Philadelphia Fair Practices Ordinance ("PFPO"), and retaliation under the ADA and the PFPO is **DENIED**;

2. That part of defendant's Motion seeking dismissal of plaintiff's claim for sexual orientation discrimination under Title VII is **GRANTED** and that claim is **DISMISSED WITH PREJUDICE**;

3. That part of defendant's Motion seeking dismissal of plaintiff's claim of sex discrimination, specifically gender stereotyping, under Title VII is **GRANTED** and that claim is **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to file and serve a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and the applicable law set forth in the accompanying Memorandum; and

4. That part of defendant's Motion seeking dismissal of plaintiff's PFPO claims pursuant to Federal Rule of Civil Procedure 12(b)(1) is **DENIED**.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.